

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/309,130	RAKAUSKAS	
	Examiner	Art Unit	
	Kevin R Kruer	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 14,17-49 and 51-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 14,17-49 and 51-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 14, 17, 24, 26-29, 36-41, 48, and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baymiller (US 3,816,236) in view of McClain (US 1,299,747) for reasons of record.
2. Claims 23, 35, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baymiller (US 3,816,236) in view of McClain (US 1,299,747), as applied to claims 14, 17, 24, 26-29, 36-41, 48, and 51-54 above, and further in view of Guyette (US 5,425,986) for reasons of record.
3. Claims 22, 34, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baymiller (US 3,816,236) in view of McClain (US 1,299,747), as applied to claims 14, 17, 24, 26-29, 36-41, 48, and 51-54 above, and further in view of Guyette (US 5,425,986) for reasons of record.
4. Claims 18-21, 30-33, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baymiller (US 3,816,236) in view of McClain (US 1,299,747), as applied to claims 14, 17, 24, 26-29, 36-41, 48, and 51-54 above, and further in view of Brooker et al. (US 5,723,221) for reasons of record.
5. Claims 25 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baymiller (US 3,816,236) in view McClain (US 1,299,747), as applied to claims 14, 17, 24, 26-29, 36-41, 48, and 51-54 above, for reasons of record.

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6. Claims 14, 17, 24, 26-29, 36-41, 48, and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molloy et al (US 3,916,059) in view of Baymiller (US 3,816,236) for reasons of record.
7. Claims 23, 35, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molloy et al (US 3,916,059) in view of Baymiller (US 3,816,236), as applied to claims 14, 17, 24, 26-29, 36-41, 48, and 51-54 above, and further in view of Guyette (US 5,425,986) for reasons of record.
8. Claims 22, 34, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molloy et al (US 3,916,059) in view of Baymiller (US 3,816,236), as applied to claims 14, 17, 24, 26-29, 36-41, 48, and 51-54 above, and further in view of Guyette (US 5,425,986) for reasons of record.
9. Claims 18-21, 30-33 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molloy et al (US 3,916,059) in view of Baymiller (US 3,816,236), as applied to claims 14, 17, 24, 26-29, 36-41, 48, and 51-54 above, and further in view of Brooker et al. (US 5,723,221) for reasons of record.
10. Claims 25 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molloy et al (US 3,916,059) in view of Baymiller (US 3,816,236), as applied to claims 14, 17, 24, 26-29, 36-41, 48, and 51-54 above, for reasons of record.

#### **Response to Arguments**

Applicant's arguments filed March 7, 2002 have been fully considered but they are not persuasive. Applicant argues that Baymiller in view of McClain teaches away from use of kraft sheets (col 1, lines 30-37). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the

features upon which applicant relies (i.e., kraft sheets) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner also disagrees with Applicant's conclusion that Baymiller "expressly teaches that resin saturated kraft paper is not suitable." To the contrary, Baymiller discloses that kraft paper saturated with urea-formaldehyde has been utilized in the art as a crossband sheet. The court has held that preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. Furthermore, the examiner notes that a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, *including nonpreferred embodiments*.

Applicant further argues that Baymiller is not concerned with the problem of warping. The examiner disagrees with Applicant's interpretation of Baymiller. Baymiller discloses, as is well known in the art, that a crossband is utilized in wood veneer faced laminates in order to prevent warping and cracking of the veneer (col 1, lines 15-19). The examiner respectfully disagrees with Applicant's argument that the warping of face veneers are different defects than warping of layered composites containing veneer sheets. Baymiller teaches that the crossband gives the panel dimensional stability (col 1, line 17). "Panel" refers to the entire laminate comprising the core stock and the veneer. The examiner understands "dimensional stability" to mean that the crossband prevents cockling or warping of the entire laminate. With respect to McClain, the

examiner agrees that the backer paper is not taught to prevent warping. However, it is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant.

Applicant also argues that there is no motivation to combine the teachings of Baymiller and McClain. The examiner respectfully disagrees. McClain teaches that the application of a saturated paper product to the non-veneered surface of a wood laminate provides the laminate with moisture, oil, and acid resistance (col 4, lines 115+). The courts have held that the strongest rationale for combining references is a recognition that some advantage or expected beneficial result would have been produced by their combination.

With regards to Molloy in view of Baymiller, Applicant argues that there is no motivation to utilize any crossband other than glass fibers. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). While the examiner concedes that Molloy does not teach that resin-saturated paper sheets may be utilized as the crossband, the rejection never relied upon Molloy for such a teaching. Baymiller was relied upon to teach the use of resin-saturated paper sheets as a crossband in wood veneer laminates.

Furthermore, there is no motivation, according to Applicant, to discard the backing sheet taught in Molloy. The backing sheet of Molloy does not have to be

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discarded to meet the claimed invention. The embodiment wherein "the crossbanding sheet can also be used as backing sheet" reads on applicant's claimed invention.

Thus, Applicant's arguments are not persuasive.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is (703) 305-0025. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver, can be reached on (703) 308-1261. The fax phone number for the organization where this application or proceeding is assigned is (703)305-5436.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

A handwritten signature in black ink, appearing to read 'K R Kruer'.

Kevin R. Kruer  
Patent Examiner

A handwritten signature in black ink, appearing to read 'Blaine Copenheaver'.

BLAINE COPENHEAVER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700